



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

DAVID TOREN, ESQ.  
SIDLEY, AUSTIN, BROWN & WOOD, LLP  
875 THIRD AVE  
NEW YORK, NY 10022

**COPY MAILED**

**JAN 17 2002**

**OFFICE OF PETITIONS**

In re Application of  
Wolfgang Barnikol  
Application No. 08/869,406  
Filed: June 5, 1997  
For: METHOD FOR THE PREPARATION OF  
MOLECULARLY UNIFORM  
HYPERPOLYMERIC HEMOGLOBINS

DECISION

Official notice is taken that petitioners' representative's copy of the file of the above-identified application (among most of petitioners' representative's other records) was located at One World Trade Center and was destroyed by the events of September 11, 2001.

Under the extraordinary circumstances of the above-identified application, the requirement in 37 CFR 1.192(a) that an appeal brief (and appeal brief fee) be filed within two months of the date of a notice of appeal to avoid dismissal of the appeal is hereby *sua sponte* waived to the extent that an appeal brief (and appeal brief fee) is not due until **February 19, 2002**. See 37 CFR 1.183.

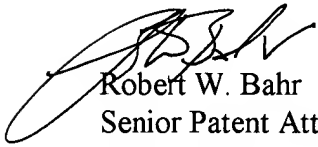
The period set in this decision may also be extended under the provisions of 37 CFR 1.136(a) and (b).

Telephone inquiries regarding this decision should be directed to Robert W. Bahr at (703) 305-8850.

Application No. 08/869,406

Page2

The application file is being returned to Technology Center 1653 to await the filing of an appeal brief (and appeal brief fee).

A handwritten signature in black ink, appearing to read 'RWB', is written over the printed name of Robert W. Bahr.

Robert W. Bahr  
Senior Patent Attorney  
Office of the Deputy Commissioner  
for Patent Examination Policy

rwb

---